

## Minutes of the State Board of Health July 14, 2004

The Washington State Board of Health (SBOH) met at the Centralia Railroad Depot situated at 210 Railroad Avenue in Centralia, Washington. Chair Linda Lake called the public meeting to order at 9:35 a.m. and addressed the attendees with the following statement:

“This is a public meeting of the State Board of Health held under provisions of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s Web site at [www.doh.wa.gov/sboh](http://www.doh.wa.gov/sboh). They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Executive Assistant Desiree Robinson, or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

### **SBOH members present:**

Linda Lake, MBA, Chair  
Thomas H. Locke, MD, MPH, Vice Chair  
Charles Chu, DPM  
The Honorable Carolyn Edmonds  
Ed Gray, MD

Frankie Manning, MN, RN  
Carl Osaki, RS, MSPH  
Bill White for Mary Selecky  
Mel Tonasket

### **SBOH members absent:**

David Crump, PhD

### **State Board of Health Staff present:**

Craig McLaughlin, Acting Executive Director  
Marianne Seifert, Health Policy Advisor  
Tara Wolff, Health Policy Advisor

Candi Wines, Health Policy Advisor  
Desiree Robinson, Executive Assistant  
Heather Boe, Assistant to the Board  
Melissa Burke-Cain, Counsel

### **Guests and Other Participants:**

Tony Barrett, Lewis County Health Dept.  
Michelle Davis, Department of Health  
Bill Day, Adult Family Home Association  
Jerry Deeter, Kitsap County Health District

Robin Downey, Pacific Coast Shellfish Growers Association  
Kathleen Eussen, Lewis County Health Department  
Gary Fraser, Department of Health

Maryanne Guichard, Department of Health  
 Bryan Harrison, Pacific County  
 Eric Johnson, Lewis County Board of Health  
 Loree Jones, Lewis County Health Dept.  
 Larry Keeton, Lewis County Health Dept.  
 Dahl Kim, Department of Social and Health Services  
 Peter Lombardi, Orenco Systems/WOSSA  
 Pamela Lovinger, Department of Health  
 Diana McClurg, The Chronicle  
 Steve Meyer, Department of Health  
 Del Parkinson, Citizen  
 Jim Patterson, Onsite RDC Member  
 Bruce Perkins, Benton-Franklin Health District  
 Debbie Riley, Mason County Health Dept.

Richard Rodgers, Senate Staff  
 Jan Simon, WA State Hotel & Lodging Association  
 Brad Simpson, Department of Corrections  
 Art Starry, Thurston County Public Health Department  
 John Stormon, Department of Ecology  
 Greg Taylor, Phoenix Inn Suites  
 Robert Taylor, WA State Hotel & Lodging Association  
 Jennifer Tebaldi, Department of Health  
 Ned Therian, Department of Health  
 Sherry Thomas, Department of Health  
 Milt Wadler, Citizen  
 Marty Woodin, WSRCC Adult Family Home  
 Diana Yu, Lewis County Health Department

### **APPROVAL OF AGENDA**

*Motion: Approve July 14, 2004 agenda*

*Motion/Second: Osaki/Edmonds*

*Approved unanimously*

### **ADOPTION OF MAY 12, 2004 MEETING MINUTES**

*Motion: Approve the May 12, 2004 minutes as written*

*Motion/Second: Locke/Osaki*

Vice Chair Dr. Tom Locke moved to approve the minutes with the following amendments: on page three, under the vaccine rule update in the 2<sup>nd</sup> paragraph, insert the word ‘of’ between ‘evaluation’ and ‘vaccines’; on page 4, in the 2<sup>nd</sup> sentence, replace ‘universal coverage’ with ‘universal distribution’; strike the next sentence and substitute, “In Washington, the state pays for vaccines not covered by the VCF program.”

*Approved unanimously*

### **SBOH ANNOUNCEMENTS & OTHER BOARD BUSINESS**

Craig McLaughlin, WSBOH Acting Executive Director directed the Board to materials behind Tab 3. Mr. McLaughlin welcomed Frankie T. Manning as a health and sanitation representative to the Board and reviewed her experience and credentials. He also announced upcoming Board staff changes: Heather Boe accepted a position with the Department of Health’s Children and Adolescent Health program and Marianne Seifert plans to leave the Board in November. Mr. McLaughlin and the Board thanked them for their excellent work and professionalism.

Mr. McLaughlin highlighted items in “FYI”: invitations to participate in the Tribal Leaders Health Summit; a recent report on health disparities titled “A State Policy Agenda to Eliminate Ethnic and Health Disparities” that incorporated the Board’s Health Workforce Diversity recommendations; media reports drinking water in schools that relate to the Board’s plans to open the school environmental health rule.

Mr. McLaughlin asked the Board to consider scheduling conflicts around the September 8, 2004 meeting; Dr. Tom Locke cannot attend and the meeting conflicts with a WSALPHO meeting two members are invited to attend. Chair Lake asked if other Board members knew if they cannot attend. No additional members indicated that they would be unable to attend. Chair Lake decided to table a decision on rescheduling the meeting until she could hear from all the Board members.

Mr. McLaughlin brought a memo from the Attorney General's office to the Board's attention. The memo addressed the use of public funds and facilities for candidate and issue campaigns.

Mr. McLaughlin noted that the Board's representative to the Health Care Personnel Shortage Task Force was Vicki Ybarra and the task force has asked the Board to appoint another representative. Chair Lake asked staff to provide more information so Board members can decide if they want to participate. Board Member Carolyn Edmonds voiced a tentative interest.

Mr. McLaughlin announced that Chair Lake will not seek reappointment. The Governor's office is recruiting for a new member. A new consumer representative to the Board and a new chair are likely to be announced soon. Ms. Edmonds expressed her appreciation and admiration for Chair Lake's service. Dr. Locke gave an update on the Executive Director search. The application period closed June 15. The committee is doing initial screening and plans to finalize the rest of the process soon. Dr. Locke invited Board members to become involved in the screening process and interview committees. The plan is to conclude the process within the next month or two.

#### **DEPARTMENT OF HEALTH UPDATE**

Bill White, Deputy Secretary of Health, updated the Board on Department of Health (DOH) news and activities. In May, DOH celebrated the completion of the first six-year cycle of the Child Profile Program that began in 1998. The program sends parents reminders about well-child exams and immunization needs, and information on other children's health issues. In June, parts of DOH moved to new office space in Tumwater. Mr. White noted that two infants were identified through the expanded newborn screening (NBS) process in June. The March of Dimes placed Washington among the top states for effective NBS programs. Mr. White announced that DOH is actively involved with the Office of Superintendent of Public Instruction (OSPI) and Seattle/King County Health Department regarding recent events surrounding lead in school drinking water; DOH is available as a resource. Ms. Edmonds asked who has jurisdiction regarding lead in school drinking water in Seattle schools. Mr. White explained that public health has jurisdiction over water sources and the water supply/system but generally not over the plumbing or distribution of the water in the schools. Mr. White reported that the Council of State and Territorial Epidemiologists (CSTE) and CDC has recommended a revision in the national definition of neurotropic domestic arboviruses, specifically West Nile virus. DOH is considering responding to these changes by making WNV infection a reportable condition using emergency rule making authority delegated by the Board. It may ask the Board for permanent rule making. He explained that the current system may catch some cases, but a revised definition would help catch more cases. Dr. Locke added that the Board is planning to reconvene the newborn screening task force and consider whether or not to require screening for cystic fibrosis. Board Member Carl Osaki asked about DOH's process for standardizing DOH presentations to the Board. Michelle Davis noted that DOH is trying to set standards for the information and presentations it gives to the Board and for DOH rule making procedures. She invited input and participation from Board members.

**WELCOME FROM LEWIS COUNTY**

Eric Johnson, Chairman, Lewis County Board of Health, Lewis County Board of Commissioners welcomed the State Board to Lewis County on behalf of the Board of County Commissioners, Commissioner Richard Graham, and Commissioner Dennis Hadaller, and to Centralia on behalf of Mayor Brown and the City Council. He introduced Lewis County Public Health staff: Dr. Diana Yu, Health Officer; Kathleen Eussen, Director; Tony Barrett, Deputy Health Officer; Lori Jones, Clerk of the Board of Health; and Larry Keeton, Lewis County staff.

**LOCAL ISSUES**

Mr. Johnson delivered a presentation on public health issues in Lewis County (see handout for more information). He mentioned that the county appreciated Chair Lake and Don Sloma's visit and meeting last year.

Dr. Diana Yu commended the commitment and efforts of the public health staff and Lewis County Board of Health. She discussed the "Public Health Value" slide that was part of Mr. Johnson's presentation.

Mr. Johnson continued his presentation. He noted that the State Board can help Lewis County by 1) recognizing that full compliance with new and updated WACs will take time; 2) supporting dependable, unrestricted public health funding at the state level. He thanked the Board for its work on the isolation and quarantine WACs and then invited questions.

Chair Lake commented that she and Mr. Sloma were very impressed by the knowledge and dedication of the Lewis County commissioners during their visit. Board members asked a variety of questions that led to discussions with Mr. Johnson and Lewis County staff about a variety of issues including: the location of the closest hospital, the impact of smoking prevention programs, the likelihood of a county smoking ban, the organization of the county's environmental health unit, transient populations such as farm workers, the hours of the new community health clinic, methamphetamine manufacturing, the Department of Social and Human Services' involvement with child abuse and neglect associated with the methamphetamine production, the causes of the high rate of preventable death, the prospect of tying permanent funding to performance standards, and nutrition and physical activity programs.

**TRANSIENT ACCOMMODATIONS CR-102 HEARING, CHAPTER 246-360 WAC**

Board Member Carl Osaki directed the Board to the materials behind Tab 7. Linda Furkay, Ph.D., RN Executive Manager Accommodations & Residential Care Services, Department of Health explained that it was necessary to revise the Transient Accommodations (TA) standards to improve security, safety and emergency preparedness, to recognize changing industry practices, and to improve the readability of the rule. (See handouts behind Tab 7 for an overview of the proposed revisions). Mr. Osaki noted that two contentious issues arose during the rule revision process: the regulation of homeless shelters and the inspection of rented lodging units. Ms. Furkay gave an overview of these issues and explained how the Transient Accommodations advisory committee worked to resolve them. Mr. McLaughlin noted that the Board is planning to have homeless shelter representatives speak at its September meeting. The issue of inspecting rooms while guests are present is not included in this set of revisions; it is being treated as an internal policy issue for DOH and will be addressed through departmental policy guidance.

Ms. Edmonds asked if the new rules had been vetted through the industry and if so, what kind of feedback had been received. Mr. McLaughlin commented that this has been an extensive rule making process involving multiple opportunities for stakeholder involvement and comment. The changes have been vetted but a representative from the industry will provide additional comment today. Ms. Edmonds also asked when the rules would become effective and if there is a clause allowing more time to make more expensive changes. Ellen G. Haars, Manager Transient Accommodations, Department of Health responded that the changes would be effective October 31, 2005; there is no clause allowing more time for compliance. Board Member Frankie Manning asked what is included in the rules regarding access for the disabled. Ms. Haars responded that the facilities have to meet state building codes, which include the ADA standards.

***Motion: The Board adopts the revised Chapter 246-360 WAC as published in WSR 04-12-117 and amended as set forth in the summary of changes.***

***Motion/Second: Osaki/Locke***

### **Public Testimony**

See Tab 7 for written comments received prior to the meeting.

Jan Simon and Robert Tager from the WA State Hotel & Lodging Association (WSHLA) gave public testimony. Ms. Simon distributed a letter summarizing their testimony (see letter). Chair Lake and Mr. Osaki asked DOH staff if the issues brought forward by Ms. Simon had been addressed by the TA advisory committee or if they were new issues. Ms. Furkay responded that the committee had not seen the specific comments before today, but some of the issues had been discussed at the committee meetings and others were new. The Board, in consultation with Michelle Davis, DOH Rules Manager and Board Counsel Melissa Burke-Cain, Office of the Attorney General discussed the options for continuing the public hearing to allow the committee, staff, and the Board to attempt to resolve some of the issues raised by WSHLA. Ms. Edmonds stated that she had concerns about the costs of implementing the rules and requested this issue be addressed.

Milt Waddler, Owner, Whale's Tale Motel, Long Beach, WA testified that in the past he had received conflicting instructions from inspectors and requested that procedures for contesting comments from inspectors be included in the new rules.

Greg Taylor, representing hotels in Olympia, requested a better definition of emergency lighting. Also, he commented that he was concerned that the new rules might affect the hotels' water conservation programs, which are very popular among guests.

Ms. Manning, in reference to testimony from Ms. Simon, noted that hotels must consider how to communicate and train and support employees who do not speak English about emergency evacuation procedures. She recommended that language barriers be addressed in the emergency preparedness planning and requirement.

Mr. Osaki withdrew his motion for adoption.

***Motion: Continue public hearing and discussion at September 8<sup>th</sup> meeting***

***Motion/Second: Osaki/Manning***

***Approved unanimously***

Mr. Osaki expressed his appreciation to DOH staff for the work and effort put into this rule revision process.

The Board recessed for lunch.

#### **FOOD CODE RULE REVISION FINAL UPDATE, CHAPTER 246-215 WAC**

Marianne Seifert, WSBOH Health Policy Advisor introduced this agenda item and expressed her appreciation to DOH staff Jennifer Tebaldi and Ned Therien. Jennifer Tebaldi, Department of Health reminded the Board that the final hearing is scheduled for September 8, 2004. She called the Board's attention to materials behind Tab 8, noting that the process DOH used gave special attention to balancing scientific findings with practical realities. The newly published federal food code will describe the science and benefits more clearly than the previous version. Ms. Tebaldi explained DOH's recommendations (see summary behind Tab 8). Dr. Locke commended DOH staff for its work on this issue and noted that this code related to some issues raised during the previous discussion on transient accommodations. Mr. Osaki, Dr. Locke and Ms. Tebaldi discussed the rule's proposed effective date of May 2005.

#### **PUBLIC HEARING FOR PROPOSED REVISION OF WAC 246-217-010, FOOD WORKER CARD DEFINITIONS — REMOVING ADULT FAMILY HOMES FROM LIST OF INSTITUTIONAL OPERATIONS**

Board Member Carl Osaki introduced this agenda item and reminded the Board that this item was focused on moving adult family homes from the institutional category to a separate category under the definition of food service establishment. He called the Board's attention to Mr. Frederickson's letter and noted that Mr. Frederickson supported this change but may have additional requests. Board Member Dr. Ed Gray indicated that he read the letter somewhat differently. Ms. Seifert offered clarification and also called the Board's attention to the materials behind Tab 9. Mr. Osaki moved that the Board adopt the following motion:

***Motion: The Board adopts the revised WAC 246-217-010 as published in WSR 04-09-056.***

***Motion/Second: Osaki/Edmonds***

Ms. Edmonds described how she proposed legislation on the issue of food worker training in adult family homes while she served in the Legislature, but the Governor had vetoed the section addressing this issue.

Chair Lake then took public testimony.

#### **Public Testimony**

Bill Day, a representative of the Adult Family Home Association of Washington passed out copies of his testimony (see testimony). He said Adult Family Homes generally support these changes. But that he was frustrated with a four-year long process did not change the requirement for food work cards. He indicated that adult family homes support training but that they do not believe that a food handler's card will address this. Chair Lake reminded him that this hearing was only on the proposed changes to the classification of adult family homes.

Martin Wooden, President, Adult Family Home Association, passed out written testimony (see written testimony). He said adult family homes are not boarding homes and that three to five

residents live in each home and generally share meals with the family. He said there is no need for a food handler's card and that the training was not appropriate for adult family home staff.

Chair Lake asked the Board if they had sufficient information to take action. Mr. Osaki reminded Board members that the issue of requiring food handler's cards was not currently on the table and that this item was focused on moving adult family homes from an institutional category to a separate category under the definition of food service establishments. Mr. Tonasket asked if it was true that residents prepare their own food, and indicated that if so residents should not be required to have food handling cards. Ms. Edmonds said that the underlying issue was whether to make Adult Family Homes a separate category. Mr. White said this was a reasonable step. Mr. Dr. Locke pointed out that food borne illnesses are very common in ordinary homes. Chair Lake put the motion to a vote and it passed unanimously.

*Mr. Osaki's motion was approved unanimously*

#### **CONTINUANCE ON WATER RECREATION RULE REVISION, CHAPTER 246-260 WAC**

Mr. Osaki and Mr. McLaughlin introduced the agenda item behind Tab 10. Maryanne Guichard, Director of Environmental Health and Safety, Department of Health and Gary Fraser, Department of Health, presented responses to public testimony received at the May Board hearing (see presentation behind Tab 10). Chair Lake thanked staff for bringing these answers back to the Board.

***Motion: The Board adopts the revised chapter 246-260 WAC as published in WSR 04-08-099 with the following change: In WAC 246-260-171(1) the date "July 26, 1987" is changed to "October 31, 2004."***

***Motion/Second: Osaki/Manning***  
***Approved unanimously***

The Board took a break at 2:55 and reconvened at 3:15 pm.

#### **WORK SESSION ON ON-SITE SEWAGE SYSTEM OPERATION & MAINTENANCE FOR MARINE COUNTIES**

Mr. Osaki recognized the enormous work of the Onsite Rule Development Committee. Mr. McLaughlin provided a framework for the discussion and introduced the panelists (see PowerPoint presentation behind Tab 11). He described the policy issues and options for Board action. He asked members of the panel to review specific issues.

Brad Ack, Puget Sound Action Team described the action team and its role. One of its key priorities is preventing nutrient and pathogen contamination, which is why this issue is of extreme importance. Mr. Ack applauded the work of the Onsite Rule Development Committee (RDC), but added that he thinks it can go further: risk to public health is not only fecal coliform, but also nitrogen and other contaminants, and nitrogen should be addressed in marine water areas. The other area he thinks should go further is in requiring operations and maintenance.

Janice Adair, Assistant Secretary, Department of Health described the amount of work the Onsite RDC has done and the role of the local health jurisdictions (LHJs). Ms. Guichard described several changes proposed in the draft rule developed by the Onsite RDC, as well as some changes to the RDC proposal that DOH developed in response to comments received on the

RDC draft. The latter changes include a timeline for local management plans in marine counties, removing a waiver for setbacks from marine shorelines, and adding evaluation of the rule four years after the effective date. A second draft will be going out to the Onsite RDC and other interested parties tomorrow, she said. Ms. Edmonds asked which of the 14 marine counties were involved in developing these additional changes and Ms. Guichard discussed the process of consulting with county public health leadership. Mr. Osaki asked about the relative contribution of onsite systems to marine waters contamination. Mr. Ack replied that a significant proportion is due to onsite systems, and that the action team is working to address other sources, as well.

Art Starry, Environmental Health Director, Thurston County Health Department described Thurston County's 1990-99 approaches to onsite operations and maintenance, which required renewable operation and maintenance certificates. Records were collected and entered in an electronic database for about 18,000 of the county's 44,000 systems. The county was able to provide educational materials to property owners or builders. One problem was that people didn't really understand why they needed this program, and they didn't want the fees or inspections. The health department was sued twice. Compliance efforts were extensive and expensive. There was no incentive for compliance or penalty for lack of compliance. In 1999 the Thurston County Board of Health decided to require renewable permits only for the more complex systems and those for food service facilities. It established a septic hotline and put more information on the Internet. The county is achieving about 50 percent compliance. There is no enforcement method or a way to know if septic systems are failing. Additional Henderson Inlet community efforts are underway because of downgraded shellfish beds. Renewable operation permits would be required for systems within the watershed. The community can accept this because the public is largely in the driver's seat, and they understand it, and want it. It's important that the public is involved, expectations and consequences are clear, and there's adequate funding and technical resources. It's not just operations and maintenance; components need to be built in to identify failures.

Ron Shultz, Natural Resources Adviser, Governor's Policy Office, described the Governor's office principles for working with partners and communities to protect environmental health. He advocated for recognition of the state's interest in protecting public resources; a proactive, not reactive, approach; clear ability to act if there are impacts to public resources; and recognition of the role of local government. He said that if the Board believed in the principles but believed there were limits to its ability to act—lack of clear authority, a need for funding, political limitations, and legal issues such as property rights—that he would like a statement from the Board that says so. He encouraged the Board to move forward and take the rule as far as it can.

Chair Lake asked Mr. Schultz about his involvement in the rule development process. Mr. Schultz replied that he became involved after the Onsite RDC proposals. Ms. Edmonds asked if the Board overstepped its authority who would get sued. Mr. McLaughlin replied that the Board could be sued. Ms. Edmonds asked who the opponents are, who might sue the Board. Mr. McLaughlin replied that it could be individual property owners or developers who sued and that some environmental health directors might not be happy and counties could seek legal action. Ms. Edmonds asked if the Governor could propose legislation. Mr. Schultz replied that the current Governor could propose legislation in the first few days of the next legislative session while he is still governor and communicate with the Governor-elect. Mr. Osaki asked what type of statement Mr. Schultz was requesting. Mr. Schultz replied that a resolution would be helpful.



Mr. Osaki asked about the continuum of counties with operation and maintenance, and for more information on opportunities or examples of successes and problems of current programs. Dr. Locke added that this is a key issue, and that the Board is where it was 10 years ago, when it required operation and maintenance. The board has clear strong authority with respect to human health hazards, including the ability to pass unfunded mandates. The problem with that is that public health needs evidence-based strategies. There is support among local boards of health for addressing public health problems and for prevention. There is room for improvement – the question is where does our knowledge lead us? Where does it end or run up against some other legal barrier? Where does the Board or other agencies need additional authorities? As in medicine, we try to use knowledge and experience. Mr. Tonasket asked, if you don't know what you have, how you can fix it? He added that unless we can pass things that are enforceable we are wasting our time.

Mr. Schultz added that he wouldn't underestimate the value in the Board's statement. Ms. Edmonds asked for more information and time. Mr. Osaki said he had no problem with the goal of enhancing shoreline waters, because of the impact on health, and added that environmental quality was linked with public health and should be considered by the Board. Mr. Osaki added that issues on the East side of the state should be considered also.

Mr. Schultz asked for a statement in September for consideration in the Governor's budget. Dr. Locke asked for three things: to move ahead with this rule, to agree that this is an important issue (marine shorelines, associated human health risks), and that to move ahead with the rule we need clear focus, options, and evidence for the options. Dr. Locke stated that we should try to honor the request for a statement. Chair Lake asked staff to work with Board members to bring forward a draft policy statement with areas of concern and fundamental policy perspectives, and to work on a survey of operations and maintenance programs in marine counties that highlights effective practices. Ms. Burke-Cain added that her role is to help the Board assess risk and said she could provide additional information on legal issues in September.

#### **RECOGNITION OF THE CONTRIBUTIONS OF CHAIR LINDA LAKE**

Dr. Locke described Chair Lake's contributions to the Board. Chair Lake described her appreciation for the Board's work and the passion of people who have come before the Board with their concerns and issues.

***Motion: The Board adopts Resolution 04-03 as written.***

***Motion/Second: Locke***

***Approved unanimously***

#### **PUBLIC TESTIMONY**

Del Parkinson testified that one way to reduce nitrogen loading in marine waters is to install lighting rods to reduce nitrogen. He provided handouts about his ideas about the cause of cancer. Benzene's flux field, he said, makes it almost indestructible. Benzene is a residue from many powdered detergents. He described the increase in Washington cancer rates.

Robin Downey, Executive Director of the Pacific Shellfish Growers Association, suggested the Board focus on health issues where the Board clearly has authority. She added that onsite effluent going onto other people's property is another property issue. She also mentioned the Board's authority regarding controlling infectious illness. More shellfish beds than ever are shut down this year. Growing areas are being lost. She added that voluntary measures are not sufficient and recommended adopting more stringent measures.

Jerry Deeter, Kitsap County Health Department Environmental Health Director and Onsite RDC member, described the RDC process, and said that if more is added to the rule it will be difficult to accomplish. He described Kitsap County Health Department funding issues and its operations and maintenance program. He offered to talk with the Board in more depth in the future. He mentioned two options for addressing nitrogen: lot size or treatment systems. Without some proven type of device that works, having the requirement in the rule won't work. We should address existing disinfection systems that aren't working before we address nitrogen.

Bryan Harrison, Pacific County Community Development Director, expressed his concern about the process and his confusion about who has the ball. He described his experience adopting rules in Pacific County. He's concerned that there isn't enough time for adequate public process, and that the public might be surprised. The counties will have to deal with it after the rules are developed. He asked that the 14 counties be involved – he would like to get public input but is concerned that there isn't enough time, given the magnitude of the rule.

Debbie Riley, Mason County Department of Health Services Environmental Health Director, said the needs and resources of the different counties vary greatly. She described her involvement in the dissolved oxygen work in Hood Canal. She offered to provide a USGS presentation with information on human contributions to nitrogen in marine waters. Ms. Riley described the operations and maintenance work in Mason County. She added that Terry Hull from Puget Sound Action Team and others think it may be a model program. It is a voluntary educational program and does not include required permits. If they tried to require permits, it would set them back 10 years, she said. She asked the Board to allow each of the marine counties to work with their community partners and leaders to make progress.

Bruce Perkins, Benton-Franklin Health District Environmental Health Director, expressed his concerns about the Board addressing economic issues rather than health issues. The Eastern Washington Onsite RDC representatives were adamant about restrictive requirements not being imposed. He expressed his concerns also about circumventing the Onsite RDC process. He described special interest group involvement and his concerns about expanding the operations and maintenance industry. He described the designers licensing requirement that Eastern Washington has avoided.

## **ADJOURNMENT**

Chair Lake adjourned the meeting at 5:32 p.m.